

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF FOR APPELLANT

Ex parte Yuuji SAIKI et al.

Serial No.: 10/015,991

Filed: December 6, 2001

Appeal No.: Unassigned

Group Art Unit: 2872

Examiner: Arnel C. Lavaras

Nicolas E. Seckel
Reg. No. 44,373
Attorney for Appellant

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 Connecticut Ave., N.W. Suite 700
Washington, DC 20036
Tel: (202) 822-1100
Fax: (202) 822-1111

January 7, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No: Unassigned

In re the Application of:

Yuuji SAIKI et al.

Confirmation No.: 3509

Serial Number: 10/015,991

Group Art Unit: 2872

Filed: December 6, 2001

Examiner: LAVARIAS, ARNEL C.

For: OPTICAL MEMBER AND LIQUID CRYSTAL DISPLAY

Atty. Docket No.: 020606

Customer No.: 38834

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

January 7, 2007

Appellants reply to the Examiner's Answer dated November 8, 2007.

This Reply Brief addresses the following new assertions made in section (10) "Response to Argument" (pages 6-9) of the Examiner's Answer.

1. Examiner's erroneous assertion that Murata discloses surface roughness for antiglare properties on any layers including temporary layers

In his Answer, the Examiner erroneously alleges that "Murata et al. discloses that one of ordinary skill would utilize such surface roughness specifically for antiglare properties, i.e., providing good visibility of whatever is located behind this layer, while enhancing viewing contrast and eliminating/reducing any possibility of glittering effects (see [Murata at] col. 3, line 38 – col. 4, line 21)" (Examiner's Answer at page 7, lines 11-15, and also at page 8, lines 2-5).

Contrary to the Examiner's interpretation, any teaching of Murata with respect to surface roughness is directed to permanent optical layers exclusively. There is no suggestion, motivation, or other incentive derived from Murata to provide antiglare properties to a temporary protective layer or otherwise apply a surface roughness to a temporary protective layer as in the present invention.

For example, the passage of Murata to which the Examiner refers discusses surface roughness in relation to "displayed images" (Murata at col. 3, line 62). This is a situation where the antiglare film of Murata has been mounted in a display device, at which point any temporary protective film has usually been removed.

2. Examiner's erroneous assertion that Murata and Nagahama are in the same field of endeavor

In his Answer, the Examiner erroneously alleges that Murata and Nagahama "are in the same field of endeavor (i.e. surface protective films for displays) and both specifically disclose the use of these surface protective films for liquid crystal displays" (Examiner's answer at page 8, lines 6-8).

Contrary to the Examiner's position, designing an antiglare film for a display device as in Murata is completely different from designing a temporary protective film as in Nagahama, and thus, is also completely different from the presently claimed invention, in which the transparent protective film comprises a protective base and an adhesive layer disposed on the protective base so that the protective base can be released together with the adhesive layer from the optical material, as recited in present claim 1.

Specifically, the antiglare film of Murata is integral with a polarizer and a permanent part of the optical member which is integrated into the display of Murata. In contrast, a temporary protection film is used temporarily for protection of an optical member during transportation and storage, but is conventionally intended to be removed at the time when the optical member is permanently attached to the adjacent optical layer and integrated into a display device.

In summary, the present invention is not the simple use of a known technique to improve a similar system, or the simple application of a known technique to a known device ready for improvement to yield predictable results, because the prior art taught that optical properties of a display, including antiglare properties, are obtained or improved by adjusting the optical properties of permanent optical layers, as illustrated in Murata. Thus, the person of ordinary skill in the art would not have sought to improve on the optical properties of a temporary protective film.

Also, the present invention would not have been "obvious to try" because the person of the art would not have had any motivation or other incentive to try. In other words, the problem alleged by the Examiner (improve optical properties of a display) would have been an incentive for the person of the art to modify the optical properties of permanent optical layers, not the optical properties of a temporary protective layer. In contrast, an actual problem at the source of the invention (reduce "sticking" between optical elements, see the present specification at page 2, second paragraph) and a solution as provided by the present invention (surface roughness on temporary protective film) would not have been obvious to the person of ordinary skill in the art.

In addition, market forces or design incentives would have taught away from a costly additional manufacturing step to provide improved optical properties to a temporary protective film, whereas such improvements were not in demand for a temporary protective film.

CONCLUSION

For the above reasons, appellants maintain their request that the Board of Patent Appeals and Interferences reverse the Examiner's rejection of claims 1-4, 9-10, and 27-28.

In the event this paper is not timely filed, appellant petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/nicolas seckel/

Nicolas E. Seckel
Attorney for Appellant
Reg. No. 44,373

Atty. Docket No. 020606
Customer No.: 38834
1250 Connecticut Ave., N.W. Suite 700
Washington, DC 20036
Tel: (202) 822-1100
Fax: (202) 822-1111
NES:rcp